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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/827,304	04/20/2004	Kuo-Rong Chen	OP-093000032	2554	
7590 03/23/2006			EXAM	EXAMINER	
Yi-Wen Tseng 4331 Stevens Battle Lane			PATEL, VIP		
Fairfax, VA 2			ART UNIT	ART UNIT PAPER NUMBER	
			2879		

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s)			<u> </u>				
### Examiner Vip Patel 2879 ### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. #### SIX (8) MONTHS from the mailing date of this communication. 1780 period in very la specified from the mailing date of this communication. 1780 period in very la specified pate of this communication. 1780 period in very la specified pate of this communication. 1780 period in very la specified pate of this communication. 1780 period in very last specified pate of this communication. 1780 period in very last specified pate of this communication. 1780 period in very last specified pate of this communication. 1780 period in very last specified pate of this communication. 1780 period in very last specified pate of this communication. 1780 period in very last specified pate of this communication. 1780 period in very last specified pate of this communication. 1780 period in very last specified pate of this communication. 1780 period in very last specified pate of this communication. 1780 period pat	•	Application No.	Applicant(s)				
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Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DAYE OF THIS COMMUNICATION. after 5% (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maintem station period of large year with expire 5% (6) MONTHS from the mailing date of this communication. Falleties to reply which is not or estanded period for reply will, by stantic, cause the application to become ABANCONED (35 U.S.C. § 13). Period of the period of the period of the communication is not period to reply will, by stantic, cause the application to become ABANCONED (35 U.S.C. § 13). Period of the period of the period of the communication is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-22 is/are pending in the application. 4) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. Claim(s) is/are allowed. Claim(s) is/are objected to. 8) Claim(s) 1-22 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) All b) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) All b) Acknowledgment is made of a claim for for		<u> </u>	l				
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	Paper No(s)/Mail Date	6) [_] Other:					

Election/restriction

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 1-9, drawn to a product of a tetraode field emission display, classified in Class 313, subclass 309.
- II. Claims 10-22, drawn to a method of manufacturing tetraode field emission display, classified in Class 445, subclass 46.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case, the product of tetraode can be made by another and materially different process such as forming the gate layer by use of a mask or by dip coating or by paint coating.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, because of their recognized divergent subject matter, and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Y. Tsang on 3-20-05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if

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one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vip Patel whose telephone number is (571) 272-2458. The examiner can normally be reached on Monday-Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh D Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VIP PATEL
PRIMARY EXAMINER
ART UNIT 2879

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